



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

14 APR 2017

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Article No.: 7014 1200 0000 6127 4812

Mr. Robert Baird, Owner  
Conco Companies  
431 South Jefferson St., Suite 250  
Springfield, Missouri 65806

**IMMEDIATE ATTENTION REQUIRED**

***RE: Dura-Kast/Conco Companies, Springfield, Missouri, NPDES Permit No. MO0137333***

Dear Mr. Baird:

This letter requests information regarding compliance by Conco Companies, doing business as Dura-Kast Concrete, with requirements of its National Pollutant Discharge Elimination System Permit, NPDES Permit No. MO0137333. A representative from the U.S. Environmental Protection Agency conducted an inspection of the Dura-Kast Concrete facility in Springfield, Missouri (hereafter "Facility") on June 20, 2016. A copy of the EPA inspection report was sent to you by letter dated August 8, 2016. The purpose of this request is to obtain additional information regarding your Facility's compliance with the CWA as part of the EPA's continuing review of Dura-Kast Concrete.

This letter, with its enclosures, is a request for information issued pursuant to Section 308(a) of the CWA, 33 U.S.C. 1318(a). This section authorizes the EPA to require any person subject to the CWA to provide information required to carry out the Act's objectives, including to determine whether there has been a violation of the CWA. Pursuant to Section 308, you are required to provide the information identified in the enclosed **Information Request (Enclosure 1) within twenty-one (21) calendar days of receipt of this letter**. Please read the instructions in the enclosure carefully before preparing your response. A **signed Statement of Certification (Enclosure 2)** must accompany your response.

The information required herein must be submitted notwithstanding any claim you may have concerning confidentiality. If you wish to assert a claim of confidentiality concerning information submitted in response to this letter, you may do so pursuant to the instructions contained in Enclosure 1. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to Conco Companies or Dura-Kast.

Please be advised that submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and 18 U.S.C. § 1001. Further note that the EPA reserves its right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA, including those discovered as a result of the EPA's February 24, 2016 inspection.



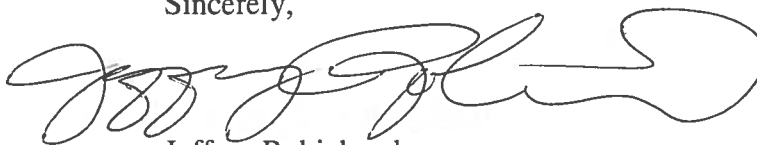
Printed on Recycled Paper

Information submitted pursuant to this Section 308 information request, with a signed Statement of Certification, must be sent by a manner that allows you to track delivery and addressed as follows:

Seth Draper  
U.S. Environmental Protection Agency - Region 7  
11201 Renner Blvd  
Lenexa, Kansas 66219

We appreciate your prompt attention to this matter. If you have any questions regarding this information request, please contact Seth Draper at (913) 551-7080, or Nacenté Seabury, the attorney assigned to this matter, at (913) 551-7697.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffery Robichaud', with a large, stylized flourish at the end.

Jeffery Robichaud  
Acting Director  
Water, Wetlands and Pesticides Division

Enclosures

cc: Paul Dickerson, MDNR  
Cindy Davies, MDNR  
Jacci Gamble, Conco Companies

## ENCLOSURE 1

### INFORMATION REQUEST

**Re: Dura-Kast Concrete/Conco Companies, NPDES Permit No. MO0137333**

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318.

#### **I. Instructions**

1. Please provide a separate response to each and every request set forth below. Clearly label each response in a manner that identifies the number of the question or document requested.
2. If any answer or document cannot be provided in full, provide the answer or document(s) to the extent possible along with an explanation of why the question cannot be answered or document cannot be provided in its entirety.
3. Certification: The Statement of Certification found in Enclosure 2 must be submitted along with your responses every time a submission is made pursuant to this information request. This statement must be a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(a). For your convenience, the text of 40 C.F.R. § 122.22(a) is included in Enclosure 2.
4. Confidential Business Information: If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
5. Requests for Extension of Time to Respond: If you believe for any reason that you will not be able to provide a complete response to this Information Request by the required deadline, you may submit a written request for an extension postmarked no later than seven (7) calendar days past the receipt of this letter. When requesting an extension, you must specify which question(s) you will need additional time to answer. All other responses should be submitted on or within twenty-one (21) calendar days of receipt of this letter. For more information, contact Nacenté Seabury at (913) 551-7697.
6. All information must be submitted within twenty-one (21) calendar days of receipt of this letter. All submissions shall be sent in a manner that allows you to track delivery and shall be addressed as follows:

**Seth Draper  
U.S. Environmental Protection Agency - Region 7  
11201 Renner Blvd.  
Lenexa, Kansas 66219**

## II. Definitions

The following terms and phrases shall have the specific meanings pertaining to this CWA § 308 Request herein:

**“Clean Water Act”** or, in the alternative, **“CWA”** means all requirements contained in 33 U.S.C. § 1251 et. seq., and all related regulations contained in Title 40 of the United States Code of Federal Regulations.

**“Corrective Action”** means any remediation and/or correction of a deficiency of or noncompliance with the requirements of the NPDES permit.

**“Employee or Contractor”** means any employee or contractor that will, in any way, assist in answering, or primarily answering, any question contained herein. Assistance in answering includes activities such as, but not limited to, data collection, document retention and presentation, or answering any of the questions with specialized knowledge of the NPDES permit, compliance measures, sampling exercises, and SWPPP implementation at the Facility.

**“Facility”** means the property and buildings permitted under MO0137333 and located at 3612 West Nichols Street, Springfield, MO. Based on current information available to EPA, the owner of the Facility is Hartman and Company, Inc., but NPDES permit was issued to Conco Companies who operates the Facility as Dura-Kast Concrete.

**“Inspection”** refers to the EPA inspection conducted at the Facility on or about June 20, 2016.

**“Inspection report”** refers to the typed record outlining the Inspection, which was mailed to Conco Companies. on August 8, 2016.

**“NOPV”** refers to the Notice of Potential Violation, which was issued to the facility at the end of the Inspection.

**“NPDES”** means the requirements under Section 402 National Pollutant Discharge Elimination System program of the CWA.

**“Owner/operator”** means the owner or operator of any “facility or activity” subject to regulation under the NPDES Program.

**“Permit”** refers to the Missouri Industrial Stormwater Permit, MO0137333, issued pursuant to the requirements of the NPDES program of the CWA.

**“SWPPP”** means the Stormwater Pollution Prevention Plan, a required component of the Permit issued under the NPDES program of the CWA.

Unless otherwise indicated, all terms used in this request have the meaning and definition as stated in Section 502 of the CWA, 33 U.S.C. § 1362, and regulations promulgated thereunder, including 40 CFR §§ 122.2 and 403.3.

### **III. Requested Information**

Please submit your response to this Information Request, accompanied by the Statement of Certification, within twenty-one (21) calendar days of receipt of this letter.

Note that except for a cover letter or memorandum and the Statement of Certification, 1) **only copies**, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disk or flash drive in PDF, Word, Excel or any other widely available electronic format.

#### **A. Preliminary Information**

1. Identify a primary and preferably a secondary person to contact regarding your responses, including their names, titles, addresses, emails, and phone numbers.
2. Your responses to the questions are to be provided by an Employee or Contractor, as defined above. Provide the name and credentials of the person(s) providing information in response to this Information Request.

#### **B. Sampling Results**

3. Provide copies of all documents relating to quarterly effluent monitoring completed since 1<sup>st</sup> Quarter (January 1 – March 30) 2016, relating to the Facility's compliance with the Permit.
4. Provide copies of all documents relating to quarterly benchmark monitoring reports completed since 1<sup>st</sup> Quarter 2016, relating to the Facility's compliance with the Permit.
5. Provide copies or facsimiles of all documents relating to official lab data sheets for **all** quarterly monitoring completed, as a requirement under the Permit since 1<sup>st</sup> Quarter 2016.
6. Describe and outline any water sampling activities planned relating to NPDES permit compliance at the Facility, but not yet implemented, with estimated implementation dates.

#### **C. Stormwater Inspections and Corrective Actions**

7. The EPA inspection of the Facility identified that the pipe fitting on the containment sump line, inspection photos 33 and 34 (located in the Inspection Report), was allowing process wastewater to discharge into the North Branch of Wilson's Creek. Provide copies of all documents relating to corrective actions, planned or already implemented, to remedy this issue.
8. Provide copies of all documents relating to monthly stormwater inspections completed pursuant to the NPDES permit requirements since April 2016. Explain gaps in the inspection record, if any.
9. Provide copies of all corrective action reports completed since June 2016 for any noncompliance or deficiencies with the NPDES permit. Explain any missing reports, if applicable. For each corrective action listed, please include:

- a. A brief description of the action;
- b. Dates of initiation and completion of the corrective action;
- c. Cost to the Facility of completing the corrective action, including a breakdown of the cost and the total cost of the action;
- d. Whether the corrective action resulted in NPDES permit compliance;
- e. SWPPP amendments or changes made due to the corrective actions taken; and
- f. Any other pertinent details of the corrective action.

**D. Stormwater Pollution Prevention Plan (SWPPP)**

- 10. The Inspection Report and NOPV identified sections of the SWPPP that do not contain sufficient detail for full Permit compliance. Provide an updated copy of the SWPPP, if the SWPPP has been updated since the inspection to address the following deficiencies that were noted in the NOPV:
  - a. Please provide a SWPPP description which describes the cleanup methods for interior storage of oils, which were identified where floor drains are connected to the stormwater system, referenced in inspection report photos 3 9-41;
  - b. Please identify and delineate all outfalls present at the facility. The inspection report identifies that three areas of the facility do not drain through either Outfall 001 and 002. Area 1 is depicted by inspection report photos 16-18. Area 2 is depicted by inspection report photos 21, 23, and 24. Area 3 is identified by inspection report photos 19-21; and
  - c. Description of any changes to the site drainage, outfall locations, best management practices (BMPs) and other changes made to address the exceedances found in effluent monitoring.
- 11. If an updated SWPPP is not available, briefly explain why and include a description of any progress made towards updating the SWPPP.

## ENCLOSURE 2

### STATEMENT OF CERTIFICATION

(To be submitted with every response to the Information Request)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

#### **40 C.F.R. § 122.22. Signatories to permit applications and reports.**

(a) **Applications.** All permit applications shall be signed as follows:

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*Note: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.*

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

